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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,269	09/16/2002	Olli P. Kallioniemi	4239-62295	8794

36218 7590 01/07/2008

KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE #1600
PORTLAND, OR 97204-2988

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/07/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



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10088269	9/16/2002	KALLIONIEMI ET AL.	4239-62295

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EXAMINER

Eric S. DeJong

ART UNIT	PAPER
1631	20080102

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Commissioner for Patents

The amendment filed on 10/24/2007 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because independent claims 1, 64, and 68 (see lines 8-11 of claim 1; lines 11-14 of claim 64; and lines 1-13 of claim 68) have been amended to newly recite the limitation "transforming the successive two-dimensional image slices into digital representations in which contiguous signal segments in successive optical section are combined into a single spot representing single probes." The successive compilation of two-dimensional image slices as instantly claimed reads on the non-elected invention of Group II drawn to projecting possible fluorescent image slices generated from a plurality of confocal microscopic observations (see especially the Restriction requirement mailed 01/04/2005 and applicants response to the Restriction requirement filed 03/04/2005). As such, claims 1, 64, and 68 as well as claims 2-5, 9-11, 13, 14, 67, and 69, which depend from either claims 1, 64, or 68, now read on the non-elected invention of Group II.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric S. DeJong whose telephone number is (571) 272-6099. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moran Marjorie can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric S DeJong
Examiner
Art Unit 1631

Eric S DeJong
01/02/2008